IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 32679 of 2006(M)

PETITIONER:

SREELATHA A. MENON, W/O. LATE T.G.PRATHAPAN, AGED 44 YEARS, RESIDING AT KRISHNA KRIPA, KOLATHERI ROAD, MARADU P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

1. MR. GOPINATHAN, S/O. LATE RAVUNNI, UTHARAMPILLIL HOUSE, CHITTOOR DESOM, CHERANELLOOR VILLAGE, ERNAKULAM DIST.

2. SMT. LAKSHMI HARIDAS, W/O. HARIDAS, UTHRAM, PALACE GARGEN, KARINGACHIRA, THRIPUNITHURA.

BY ADV. SRI.S.SREEKUMAR FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 32679/2006 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION FILED BY R1BEFORE THE DIST. COURT, ERNAKULAM FOR IMPLEADMENT.

EXT.P2. COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER DT. 19/10/2006 IN THE ABOVE IMPLEADING PETITION.

EXT.P3. COPY OF THE ORDER DT. 8/11/2006 IN IA NO. 2909/2006 IN GO P 130/2005 ON THE FILE OF THE DIST. JUDGE, ERNAKULAM.

True copy

M.N.KRISHNAN, J.

WP(C)No.32679 OF 2006 M

Dated this the 25th May, 2007.

JUDGMENT

This writ petition is filed to quash Ext.P3 order passed in G.O.P.130/05. One Gopinathan who is not a party before the court moved an application I.A.2909/06 with a prayer to implead him as a party in the G.O.P. A perusal of the writ petition itself would show that he is a person who has entered into an agreement for sale for the purchase of property and has filed a suit O.S.325/05 for specific performance. So the said Gopinathan is really interested in the property and in order to determine the controversy between the parties it is only just and proper that he is heard. I am aware that in a suit for permission to sell the property the court may not adjudicate with respect to the validity or otherwise of the agreement or about the entitlement of the decree for a specific performance but at the same time it is only to watch and preserve the right he wants to implead him as a party. Therefore, though a detailed discussion is not there in the order, the order passed by the learned District Judge is correct and it does not call for any interference. I also make it clear that the District Judge shall try to dispose of the G.O.P as

expeditiously as possible. Writ petition is dismissed.

M.N.KRISHNAN
Judge

jj